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SUBJECT: HANOI-BASED CHIEFS OF MISSION DISCUSS HUMAN RIGHTS

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11. (SBU) On June 5, the Australian Ambassador hosted the fourth Hanoi-based Chiefs of Mission human rights discussion. Participants included Chiefs of Mission (COM) or their designates from the United States, European Commission, United Kingdom, Canada, Switzerland, France, Germany and Australia. Among the issues discussed were the bilateral human rights dialogues (HRD) Vietnam recently held with the United States, Switzerland and Australia. Experiences differed on the tactics used by the Government of Vietnam (GVN) during the respective dialogues, but the COMs agreed that Vietnam was performing better during the dialogues and that the Vietnamese side appeared more confident with the process.

12. (SBU) Additionally, the COMs discussed recent developments, including the recent spike in arrests of dissidents, and whether it was indeed a "crackdown." The COMs agreed that there was a growing sense of conservatism in the GVN's approach to human rights and other issues as well. In regard to the National Assembly (NA) elections, it was noted that none of the government's goals had been achieved in terms of increases in the numbers of full-time deputies, self-nominated deputies or non-party members. End Summary.

June 5 Discussion Participants

13. (SBU) Ambassador Marine; Markus Cornaro, Ambassador of the European Commission; Robert Gordon, Ambassador of the United Kingdom; Gabriel-M Lessard, Ambassador of Canada; Jean Hubert Lebet, Ambassador of Switzerland; Guillaume Rousson, Deputy Chief of Mission, Embassy of France; Holger Seubert, Deputy Chief of Mission, Embassy of the Republic of Germany; and, Bill Tweddell, Ambassador of Australia (Host).

Australia-Vietnam Human Rights Dialogue

14. (SBU) Australian Ambassador Twedell opened by briefing the group on the April 16-18 Australia-Vietnam HRD. The Australian delegation was led by Michael Potts, First Assistant Secretary, International Organizations and Legal Division, DFAT, and included representatives from the Attorney General's Department, the Human Rights and Equal Opportunity Commission and the Australian Embassy. The eight-agency Vietnamese delegation was led by Le Hoai Trung, Director General of the MFA's International Organization Department. Vietnam was well

prepared and approached the dialogue with a high level of confidence. Trung maintained tight control over the entire process and vigorously defended Vietnam's handling of political dissidents, notably Father Ly. Despite this, the discussions were cooperative with robust exchanges at times, Ambassador Twedell said.

¶5. (SBU) The Vietnamese employed a new dialogue strategy, which included long and comprehensive presentations, Ambassador Twedell continued, and talked Australia out of time. There was no new information in any of the protracted presentations by agency representatives. Significantly, Trung acknowledged that Vietnam "still has a long way to go" on human rights. Vietnam has assured economic and cultural rights for its people as a result of its rapid economic growth, and it could now afford to focus on advancing civil and political rights. Nguyen Duc Thuy, Director of the Institute for Human Rights at the Ho Chi Minh Political Academy (HCMPA), made a similar statement during the bilateral dialogue's two-day working program, Ambassador Twedell reported.

¶7. (SBU) Also outside the dialogue, the Australian delegation met with the Vietnam Women's Union and the HCMPA. The delegation visited Dong Dzau Social Protection Center, which was the target of a report by Human Rights Watch late last year. The center was almost completely empty except for six children whom the staff said were orphans and lived there on a permanent basis - no street children had been there for some time. The delegation also visited Thanh Phong "show" prison in Thanh Hoa Province.

¶8. (SBU) Ambassador Tweddell said that overall the dialogue was constructive, but the strategy employed by the Vietnamese side to allow us so little time to address issues of concern was disappointing. The discussions were more tightly controlled than in previous years, with Trung squarely at the helm of the Vietnamese side, leading off even on items on which it had been agreed Australia would lead.

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U.S. Dialogue -----

¶9. (SBU) Drawing on reftel, Ambassador Marine briefed on the April 24 U.S.-Vietnam HRD in Washington, D.C. It was the second round of the HRD since it was restarted in 2006. The U.S. delegation was led by DRL A/S Barry Lowenkron and included five Assistant Secretary-level representatives from the Department of State, as

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well as representatives from the Department of Justice. The Vietnamese delegation was led by Assistant Foreign Minister Pham Binh Minh and included ten representatives from the Vietnamese Ministry of Foreign Affairs, the Ministry of Public Security, the Committee on Religious Affairs and the Embassy of Vietnam in Washington.

¶10. (SBU) A/S Lowenkron opened the meeting by stating that "the positive trajectory of 2006 had turned negative in 2007," and the U.S. delegation led the dialogue's discussions on issues of prisoners of concern, criminal code reform, freedom of assembly, internet freedom and religious freedom. The Vietnamese side led discussions on national approaches to human rights, racial discrimination, rights of ethnic minorities and torture.

¶11. (SBU) Ambassador Marine said the atmosphere of the dialogue was better than in 2006, and that A/S Lowenkron described it as an "actual conversation." The Vietnamese side was better prepared than in the past, and AFM Minh was "a tough defender of the faith," the Ambassador said.

Swiss Dialogue -----

¶12. (SBU) Swiss Ambassador Lebet discussed the fifth Swiss-Vietnam HRD, which was held in Hanoi May 21-26, with half-day official government-to-government talks held on May 22. The Swiss delegation was led by Jean-Daniel Bieler, Ambassador, Special Mission for Human

Security Questions, and included seven experts from Switzerland and three Embassy staff. The 23-person Vietnamese delegation was led by MFA IO Director Le Hoai Trung.

¶13. (SBU) Ambassador Lebet said the dialogue was held in a friendly atmosphere and allowed a good exchange. The Vietnamese side came well prepared to answer questions that had been provided in advance of the dialogue, but there were no surprises or breakthroughs coming from the discussions. The Vietnamese side did not "waste time" as they had in the Australian dialogue; in fact, on several occasions Trung requested the experts on both sides to provide more concise presentations.

¶14. (SBU) The Swiss delegation had a broad range of separate meetings with ministries and agencies represented at the dialogue, as well as several other organizations including: the Office of the National Assembly; the Committee for Population, Family and Children; the Vietnamese Lawyers' Association; the HCMPA; and, the Vietnamese Union of Science and Technology. The delegation also undertook a two-day visit to Hoa Binh Province to a project funded by the Swiss Agency for Development and Cooperation (SDC).

¶15. (SBU) Ambassador Lebet noted that the separate meetings with ministries and agencies proved more useful than the dialogue itself as those discussions were more frank and honest. The Swiss side was surprised by the openness of many of the experts and officials in the separate meetings. However, the Swiss delegation also received the impression that experts and officials in the separate meetings were very willing to listen, but that they had taken nothing on board.

Overall: Vietnam Dialogue Performance Improving

¶16. (SBU) The Ambassadors agreed that Vietnam was performing better during the dialogues and that the Vietnamese side is more confident with the process. Canadian Ambassador Lessard said that Trung's comments at the Australian HRD on economic versus political rights was interesting and asked how the group could get that message to those not in the MFA. Ambassador Tweddell said it would be a long haul: the open-minded elements of the Vietnamese system would be concerned about the more conservative elements of the Party. UK Ambassador Gordon said that Vietnam seemed to acknowledge it is time for a change and to move ahead; however that acknowledgement is a theoretical assertion, and the Government remains defensive when

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discussing practical action. He hoped the HRDs are sowing the seeds of this change and that Vietnam is undertaking action in the background.

Human Rights Developments

¶17. (SBU) Ambassador Tweddell asked the group for their thoughts on the recent arrests of dissidents. Questions worth discussing were whether these arrests were indeed a "crackdown," or whether they were the actions of over-zealous and conservative ideologues within the Party and the security apparatus having simply been taken off the APEC/WTO chain. Were the significant numbers of arrests in the first half of this year simply the MPS making up for lost time? And if so, could we expect the arrests to stop? Was it a case of the government asserting its power to impress the public ahead of the National Assembly elections? Had the head been cut off the democratic movement already, or were there more arrests to come? The Ambassadors agreed there is now a growing sense of conservatism in the GVN's approach to human rights and other issues as well.

¶18. (SBU) Ambassador Lessard suggested that the outcome of the 10th Party Congress in April 2006 had given the impression that the security apparatus has gained the upper hand and that its more conservative ideology has been reinforced. Ambassador Marine agreed, saying that Vietnam is comfortable with its economic trajectory and the political status quo, adding that those elected at the 10th Congress are less likely to seek political change. He thought the head of the democratic movement had been cut off and

that we should expect six to twelve months of relative quiet, but that eventually the democratic movement would reconstitute itself. Nonetheless, we needed to convince the GVN to take a more measured approach. Ambassador Cornaro suggested the conservatism may be expanding to broader issues, noting that a contact at the Hanoi Business Association felt there had been a "clampdown" on the business sector, and he had been told to stop criticizing the pace of economic reform and "follow the line." Ambassador Tweddell suggested the conservative element may be broader than first thought, including players considered generally to be more progressive.

¶19. (SBU) Ambassador Tweddell said he thought the mid-term Consultative Group meeting in Ha Long City (septel) had seen an interesting discussion, with some of the donor community pushing hard on human rights, which had resulted in an even more interesting response by the Vietnamese. Ambassador Cornaro agreed, saying that it would be only a matter of weeks before the Vietnamese have to respond to the demands put forward by some of the donors, adding that the Vietnamese could not say development cooperation is not linked to human rights performance. Ambassador Marine said he would discount any public diplomacy response by the Vietnamese, noting that there would be no genuine change until there is a real discourse on the issues and changes to problematic laws.

¶20. (SBU) Ambassador Gordon said likeminded embassies have to make things more uncomfortable at the top levels of the system in order to effect a change to the human rights situation in Vietnam. Little would change until the message got through to the President and the Prime Minister, adding that players at that level are not sensitized to how seriously we take these issues.

¶21. (SBU) Ambassador Marine asked the group their thoughts on the May 20 National Assembly (NA) elections. Ambassador Cornaro suggested that Vietnam's body politik is now using the NA more effectively, as witnessed by Party cliques using NA deputies to playout factional games. Ambassador Marine noted that none of the Government's goals had been achieved from the election in terms of increases in the numbers of full-time deputies, self-nominated deputies and non-party members and asked to what extent was NA Chairman, Nguyen Phu Trong, was an architect of that outcome. Ambassador Cornaro said that with such seemingly overwhelming support for the Government/Party (99 percent voter turn-out and 90 percent of NA deputies being Party members), it is difficult to argue there is a national security threat from the democracy movement. Ambassador Tweddell noted that we are talking about a regime that constantly feeds propaganda to its population, and that in such a place all things could be claimed at the same time.

¶22. (SBU) Ambassador Gordon said that northern Vietnam has no experience of accountable government and that we "might be naive" in expecting the Vietnamese public to be active on these issues,

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particularly if the government keeps delivering what is wanted - economic growth.

Next Meeting

¶23. (SBU) UK Ambassador Gordon volunteered to host the next Ambassadors' meeting in the autumn.

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